
Appeal Decision

Site visit made on 23 May 2017

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th June 2017

Appeal Ref: APP/J0350/W/17/3167659
19 Nash Road, Slough SL3 8NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Navpreet Thaman against the decision of Slough Borough Council.
 - The application Ref P/05948/002, dated 22 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is a double storey side extension and conversion of dwelling into 2 x 2-bed self-contained flats with associated parking and amenity space, involving demolition of existing garage and outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are as follows:
 - Whether the proposal would assist in creating sustainable, inclusive and mixed communities, having regard to the effect on family accommodation in the Borough.
 - Whether adequate living conditions would be provided for the future occupiers of the proposed flats, having regard to amenity space.
 - The effect on highway safety.

Reasons

Sustainable, inclusive and mixed communities

3. The appeal site comprises a mid-20th Century semi-detached 3-bedroom dwelling occupying a spacious corner plot, adjacent to the junction of Nash Road and Swabey Road. It is situated in an area largely made up of similar suburban family housing.
 4. Core Policy 4 of the adopted Slough Local Development Framework Core Strategy Development Plan Document (CS) provides that in urban areas outside of the town centre, new residential development will predominantly consist of family housing and there should be no net loss of family
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accommodation as a result of flat conversions, changes of use or redevelopment.

5. The Council explained that CS Core Policy 4 reflects the Berkshire Strategic Housing Market Assessment (SHMAA) recommendation that a higher proportion of larger houses should be built in the Borough compared with that delivered in recent years. There is no evidence before me to suggest that CS Core Policy 4 is not consistent with the National Planning Policy Framework (the Framework). In particular, paragraph 50 of the Framework advises that in order to create sustainable, inclusive and mixed communities Councils should, amongst other matters, identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Therefore, CS Core Policy 4 should be given full weight.
6. I acknowledge that by providing two bedrooms, the proposed flats could potentially be occupied by a young family or a single parent and that an additional dwelling would be contributed to the housing stock. Even so, such accommodation is more likely to appeal to a couple or single person without children, compared with the existing dwelling. The proposed flats would also not offer the same flexibility as the existing dwelling, in terms of accommodating a wider range of family sizes. Moreover, the definition of family housing in Appendix 3 of the CS excludes flats. Whilst I appreciate that the appellant does not agree with the CS interpretation, it forms part of the Development Plan and thus attracts full weight.
7. Consequently, the proposal would fail to accord with CS Core Policy 4 as it would result in a net loss of family accommodation and by failing to assist in the creation of sustainable, inclusive and mixed communities, it would be inconsistent with paragraph 50 of the Framework.

Living conditions

8. Occupiers of most properties in the surrounding area enjoy access to a reasonably sized, private garden. Future occupiers of both flats would largely share the amenity spaces at the front and rear of the building. Whilst these areas are relatively generous in size, they would not be private. Therefore, the future occupiers would not have any meaningful area of private amenity space in which to undertake everyday activities, such as informal recreation or relaxation.
9. The Council have suggested that 50 square metres of enclosed garden with separate access should be provided for both flats, but Policy H14 of the adopted Local Plan for Slough (LP) does not detail any minimum size. Even so, the absence of private amenity space means that future occupiers of the flats would have a poor standard of living environment when compared with surrounding development.
10. I acknowledge that there is a public open space in Spitfire Close. There are also a number of larger public parks in the wider surrounding area. However, the availability of public recreational space is not an adequate substitute for private amenity space, particularly in respect of flats which the appellant suggests could be occupied by families with children. Moreover, none of the public open spaces in the area were especially convenient to access from the site, having regard to the distances involved or the need to cross busy main roads. The appellant has also suggested that a similar ratio of amenity space

to occupants would occur if the existing dwelling were extended. However, that scenario is not comparable with the appeal scheme, as all of the occupants of the extended dwelling would still have access to a private garden at the rear.

11. Therefore, the proposal would not accord with criterion in LP Policy H14, as it would not provide an appropriate level of amenity space having regard to the size of the flats, the households likely to occupy them, the quality of the space in terms of privacy, the character of the surrounding area in terms of the size and type of amenity spaces and the proximity to public open space and play facilities. Moreover, for the above reasons the proposal would not accord with CS Policy 8 criterion. The failure to provide a good standard of amenity for future occupants would also be inconsistent with one of the core planning principles at paragraph 17 of the Framework.

Highway safety

12. The flats would each have two off-street parking spaces. Parking for the ground floor flat would be in front of the extended building and would be accessed via an existing crossover from Swabey Road. A second crossover from Swabey Road would be formed towards the rear of the site to provide access to the parking area for the first floor flat.
13. Vehicles would be parked on the site at angles and in proximity to one another, close to the extended building and boundary walls. To access the spaces parallel to Swabey Road it would be necessary for vehicles to make very sharp turns over the crossovers. This may not be accomplished in one manoeuvre given the width of the site accesses and is therefore likely to lead to vehicles undertaking awkward manoeuvres on the highway in proximity to the junctions of Nash Road and Jefferson Close.
14. Vehicles parked in the spaces parallel to Swabey Road would also effectively be prevented from exiting the site by vehicles parked closer to the accesses. This is likely to lead to manoeuvring of vehicles onto the highway in order to allow other vehicles to egress the site. The undertaking of all the above manoeuvres in proximity to the road junctions would substantially erode highway safety. Moreover, given the tight arrangement of some of the parking spaces and proximity to adjacent walls, it may not be possible for all drivers to easily egress or access parked vehicles.
15. The above deficiencies in the proposed parking layout also suggests that drivers would be likely to perceive the parking spaces as inconvenient to use and that instead, they would park on the adjacent streets. Retaining the frontage boundary wall would not be a significant factor in dissuading drivers from street parking. The obstruction caused to vehicles and pedestrians by street parking in proximity to the road junctions would also lead to a diminution in highway safety conditions.
16. In reaching the above conclusions, I am mindful that the appellant had sought pre-application advice from the Council on the parking layout. However, such advice does not bind the Council in terms of its decision. Therefore, the flats would not accord with CS Core Policy 7, as they would not improve highway safety. Moreover, the flats would not accord with LP Policy T2, as the parking would not overcome highway safety problems. The failure to provide safe and suitable access to the site would also be inconsistent with paragraph 32 of the Framework.

Other matters

17. Despite not being a reason for refusing planning permission, the Council has made reference in its statement of case to what it regards as the unacceptable design of the proposed extension and a subsequent failure to accord with LP Policies as well as its adopted Local Development Framework Residential Extensions Guidelines Supplementary Planning Document. The Council's decision notice should contain all of the reasons for refusal and additional reasons should not be introduced at an appeal. The appellant has addressed this matter in their own submissions. However, even if I were to find that the extension would not cause unacceptable harm to the character and appearance of the area, it would not outweigh the significant harm already identified above.
18. I also note that the flats would not be smaller than the minimum gross internal floor areas in the National Technical Housing Standards – Nationally Described Space Standard¹. Even so, this matter does not weigh significantly in favour of the proposal.

Conclusion

19. The proposal would not accord with the Development Plan and it would be inconsistent with the Framework. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR

¹ DCLG March 2015.